

8-6-2013

# Sky Canyon Properties, LLC v. The Golf Club at Black Rock, LLC Augmentation Record Dckt. 39831

Follow this and additional works at: [https://digitalcommons.law.uidaho.edu/  
idaho\\_supreme\\_court\\_record\\_briefs](https://digitalcommons.law.uidaho.edu/idaho_supreme_court_record_briefs)

---

## Recommended Citation

"Sky Canyon Properties, LLC v. The Golf Club at Black Rock, LLC Augmentation Record Dckt. 39831" (2013). *Idaho Supreme Court Records & Briefs*. 678.  
[https://digitalcommons.law.uidaho.edu/idaho\\_supreme\\_court\\_record\\_briefs/678](https://digitalcommons.law.uidaho.edu/idaho_supreme_court_record_briefs/678)

This Court Document is brought to you for free and open access by Digital Commons @ UIIdaho Law. It has been accepted for inclusion in Idaho Supreme Court Records & Briefs by an authorized administrator of Digital Commons @ UIIdaho Law.

# In the Supreme Court of the State of Idaho

LAW CLERK

SKY CANYON PROPERTIES, LLC, an )  
Idaho limited liability company; ROBERT C. )  
SAMUEL; JOE K. DONALD and LISBETH )  
LILLEMORE DONALD, husband and wife; )  
WAYNE A. GIANOTTI and CAROLYN M. )  
GIANOTTI, husband and wife; RUSSELL M. )  
WICKS and EVELYN L. WICKS, husband )  
and wife; BUDDY C. STANLEY and )  
JUDITH L. STANLEY, Trustees of the )  
Stanley Family Trust dated February 26, 2004; )  
CRAIG R. FALLON and M. ELLEN )  
FALLON, husband and wife )

Plaintiffs-Appellants, )

v. )

THE GOLF CLUB AT BLACK ROCK, LLC, )  
an Idaho limited liability company, )

Defendant-Respondent. )

## ORDER AUGMENTING APPEAL

Supreme Court Docket No. 39831-2012  
Kootenai County Docket No. 2011-2786

An order was entered January 20, 2013 remanding this case to District Court for entry of a final judgment, a certified copy of which shall be filed with this Court. A certified copy of a REVISED FINAL JUDGMENT, entered in District Court on March 4, 2013, was filed in this Court March 22, 2013. Therefore, good cause appearing,

IT HEREBY IS ORDERED that the appeal record shall include the document listed below which shall be added to the Supplemental Clerk's Record, together with a copy of this Order;

1. Revised Final Judgment filed in District Court March 4, 2013.

DATED this 6th day of August, 2013.

For the Supreme Court

  
Stephen W. Kenyon, Clerk

cc: Counsel of Record  
District Court Clerk

AUGMENTATION RECORD

# In the Supreme Court of the State of Idaho

SKY CANYON PROPERTIES, LLC, an )  
Idaho limited liability company; ROBERT C. )  
SAMUEL; JOE K. DONALD and LISBETH )  
LILLEMORE DONALD, husband and wife; )  
WAYNE A. GIANOTTI and CAROLYN M. )  
GIANOTTI, husband and wife; RUSSELL M. )  
WICKS and EVELYN L. WICKS, husband )  
and wife; BUDDY C. STANLEY and )  
JUDITH L. STANLEY, Trustees of the )  
Stanley Family Trust dated February 26, 2004; )  
CRAIG R. FALLON and M. ELLEN )  
FALLON, husband and wife )

Plaintiffs-Appellants, )

v. )

THE GOLF CLUB AT BLACK ROCK, LLC, )  
an Idaho limited liability company, )

Defendant-Respondent. )

## ORDER AUGMENTING APPEAL

Supreme Court Docket No. 39831-2012  
Kootenai County Docket No. 2011-2786

An order was entered January 20, 2013 remanding this case to District Court for entry of a final judgment, a certified copy of which shall be filed with this Court. A certified copy of a REVISED FINAL JUDGMENT, entered in District Court on March 4, 2013, was filed in this Court March 22, 2013. Therefore, good cause appearing,

IT HEREBY IS ORDERED that the appeal record shall include the document listed below which shall be added to the Supplemental Clerk's Record, together with a copy of this Order;

1. Revised Final Judgment filed in District Court March 4, 2013.

DATED this 6th day of August, 2013.

For the Supreme Court

  
Stephen W. Kenyon, Clerk

cc: Counsel of Record  
District Court Clerk

STATE OF IDAHO } ss  
COUNTY OF KOOTENAI }  
FILED: 3/4/13  
AT 10:15 O'CLOCK A.M.  
CLERK, DISTRICT COURT  
*Debra A. [Signature]* DEPUTY

MISCHELLE R. FULGHAM  
ISB #4623  
LUKINS & ANNIS, P.S.  
Suite 502  
601 E. Front Avenue  
Coeur d'Alene, ID 83814-5155  
Telephone: (208) 667-0517  
Facsimile: (208) 664-4125  
Email: pjs@lukins.com and mrf@lukins.com

Attorneys for Plaintiffs

Supreme Court No. 39831

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

SKY CANYON PROPERTIES, LLC, an Idaho  
limited liability company; ROBERT C.  
SAMUEL; JOE K. DONALD AND LISBETH  
LILLEMORE DONALD, husband and wife;  
WAYNE A. GIANOTTI AND CAROLYN M.  
GIANOTTI, Trustees of the Gianotti  
Revocable Trust U-A dated January 29, 1991;  
RUSSELL M. WICKS AND EVELYN L.  
WICKS, husband and wife; BUDDY C.  
STANLEY AND JUDITH L. STANLEY,  
Trustees of the Stanley Family Trust dated  
February 26, 2004; CRAIG R. FALLON AND  
M. ELLEN FALLON, husband and wife,

Plaintiffs,

v.

THE GOLF CLUB AT BLACK ROCK, LLC,  
an Idaho limited liability company,

Defendant

NO. CV-2011-2786

REVISED FINAL JUDGMENT

REVISED FINAL JUDGMENT: 1



THE GOLF CLUB AT BLACK ROCK, LLC,  
an Idaho limited liability company,

Counterclaim Plaintiff,

vs.

SKY CANYON PROPERTIES, LLC, an Idaho  
limited liability company; ROBERT C.  
SAMUEL; JOE K. DONALD AND LISBETH  
LILLEMORE DONALD, husband and wife;  
WAYNE A. GIANOTTI AND CAROLYN M.  
GIANOTTI, Trustees of the Gianotti  
Revocable Trust U-A dated January 29, 1991;  
RUSSELL M. WICKS AND EVELYN L.  
WICKS, husband and wife; BUDDY C.  
STANLEY AND JUDITH L. STANLEY,  
Trustees of the Stanley Family Trust dated  
February 26, 2004; CRAIG R. FALLON AND  
M. ELLEN FALLON, husband and wife,

Counterclaim Defendants.

Pursuant to I.R.C.P. 54(a),

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. Defendant, is granted declaratory relief; the Golf Club at Black Rock, LLC qualified as the Successor Declarant for all purposes under that certain "Declaration of Covenants, Conditions and Restrictions of Black Rock, a Planned Unit Development," recorded as Kootenai County Instrument No. 1689309;
2. Plaintiffs' claims are denied and dismissed;
3. Defendant is the prevailing party and is entitled to an award of attorney fees in the amount of \$17,000.00 under Section 24.8 of the "Declaration of Covenants, Conditions and Restrictions of Black Rock, a Planned Unit Development," recorded as Kootenai County Instrument No. 1689309.

REVISED FINAL JUDGMENT: 2

4. Defendant, as the prevailing party, is entitled to an award of costs in the amount of \$217.85 pursuant to IRCP 54 (d)(1)(C).

5. Judgment in the principal amount of \$17,217.85 is hereby entered in favor of Defendant, The Golf Club at Black Rock, LLC, and against the following Plaintiffs jointly and severally:

Sky Canyon Properties, LLC, an Idaho limited liability company;  
Robert C. Samuel;  
Joe K. Donald and Lisbeth Lillemore Donald;  
Wayne Gianotti and Carolyn Gianotti, Trustees of the Gianotti Revocable Trust  
U-Dated January 29, 1991;  
Russell M. Wicks and Evelyn L. Wicks;  
Buddy C. Stanley and Judith L. Stanley, Trustees of the Stanley Family Trust  
Dated February 26, 2004; and  
Craig R. Fallon and M. Ellen Fallon.

6. This Final Judgment shall bear interest at the statutory rate provided under Idaho Code.

7. This Final Judgment is a final and appealable judgment pursuant to IRCP 58.

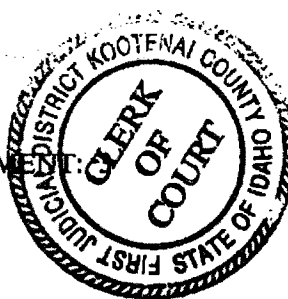
JUDGMENT IS SO ORDERED.

DATED THIS 4<sup>th</sup> DAY OF March, 2013, nunc pro tunc to  
February 8, 2012.

  
JOHN T. MITCHELL  
Kootenai County District Court Judge

STATE OF IDAHO } ss  
COUNTY OF KOOTENAI }

REVISED FINAL JUDGMENT:



THIS IS TO CERTIFY THAT THE FOREGOING IS  
A TRUE COPY OF THE ORIGINAL NOW ON  
FILE OR RECORD IN THIS OFFICE.

SEALED ON THIS 15<sup>th</sup> DAY OF March 2013  
BY [Signature] Deputy